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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Zoning Board of Appeals **Date:** October 16, 2009
From: Kristin K. Alexander, AICP, Assistant Planner *KKA*
Subject: ***Board of Appeals Hearing #09-04
Richardson Crossing LLC – 113 Central Street - Comprehensive Permit***

I have reviewed the revised Richardson Crossing (113 Central Street) Comprehensive Permit plans (9/29/09) and the applicant's engineer's response letter dated 9/29/09 (from Acton Survey & Engineering, Inc.). My comments are below. The comments are organized by footnote number/letter from my original comments. My original comments are in regular text below and were footnotes in the Acton Comprehensive Permit Policy Project Evaluation Summary form (attached - for your reference). My updated comments are in ***bold italics***.

If you have any questions, please do not hesitate to contact me.

Updated Comments (based on 9/29/09 revisions)

- 1 Reviewers should record their evaluation by indicating "Y" (yes) or "N" (no) for each criterion that applies to the project, based on the category that most closely fits the type of project under review.

N/A – no applicant response necessary.

- 2 Site is about equidistant within $\frac{3}{4}$ mile of South Acton Village (and the commuter rail station) and West Acton Village. Sidewalks exist along Central Street. The small project scale somewhat offsets the marginal location. The location is within a moderate density area as per Acton 40B Policy.

N/A – no applicant response necessary.

- 3 The Acton Zoning Bylaw (Bylaw) counts mudrooms and basements toward the gross floor area, resulting in a gross floor area of 3,106 square feet/ house and an overall gross floor area ratio (FAR) of 0.29 for the site. The FAR listed on Plan Sheet 2 (Master Plan) is inaccurate (0.27 FAR) because the mudrooms and basements were not counted and should have been for all the units.

The applicant's engineer stated in his 9/29/09 letter that his office has not received architectural plans for the project; therefore, cannot compute the floor area. The letter then goes on to discuss and reference the definition of net floor area.

Acton's Comprehensive Permit Policy discusses appropriate "gross" floor areas; not "net" floor areas for projects. The applicant should provide its engineer with the architectural plans so the engineer can recalculate the floor area and write the correct "gross" floor area on Sheet 2 of 7 of the plan.

- 4 The lack of internal sidewalk seems acceptable for this small 4-unit project. Sidewalks exist on Central Street.

N/A – no applicant response necessary.

- 5 It appears there is more than 50% open around the houses and driveways. This is like yard space rather than dedicated open space, which seems appropriate for the setting and project scale. However, unfortunately because of the topography and possibly the design, it appears that much of the open space surrounding the homes can only be used for passive activities (e.g. gardens) and not slightly larger leisure activities (e.g. play equipment).

In staff's opinion, there still is not much private open space surrounding the homes, but the applicant's engineer has addressed the issue.

Regarding use of the primary subsurface sewage disposal system for playing catch (see applicant's engineer letter dated 9/29/09), please see comment c. below.

- 6 Planning Department staff cannot determine whether low-water plantings are proposed. The Plan does state "consideration should be given to drought resistant grasses". Unfortunately, this statement does not require drought resistant grasses. The Board may want to consult with the Acton Water District or the Acton Tree Warden on this issue.

The applicant's engineer letter (9/29/09) states that drought resistant grasses are recommended for the project. A note should be placed on the landscape plan (sheet 6 of 7) under the "Grass" notes that states drought resistant grasses shall be planted for the entire site where grass is proposed. If this is already stated on the plan and staff missed it, please indicate where it is written.

- 7 Where applicable, the Plan appears to be consistent with site plan standards. Subdivision/common driveway standards seem more appropriate than site plan standards in this particular setting. See item a. under "other comments" below for more information regarding compliance with the Acton Zoning Bylaw standards.

N/A – no applicant response necessary.

- 8 The project eligibility letter from MassHousing requires the affordable use restriction be perpetual.

N/A – no applicant response necessary.

- a. Additional waivers may need to be requested from the common driveway standards (Acton Zoning Bylaw Section 3.8.1.5) than what is written in the waiver request list (Application Section 5). Planning Department staff defers to the Acton Fire Department and Acton Engineering Department for comments regarding the safety, design and construction of the common driveway and whether or not changes to the Plan or more waiver requests are necessary.

N/A – no applicant response necessary.

- b. Since Richardson Way is referenced in the legal documents, either the Plan sheets should label the common driveway as Richardson Way or all legal documents should be revised to refer to the "common driveway shown on the Plan".

The common driveway has been labeled on the plan sheets as Richardson Way. This comment has been addressed.

- c. Parcel A is the shared sewage disposal area for all four homes. Even though the "Declaration of Common Driveway Covenant..." (Declaration) (Section 3 of the Application), Section III.E. states that all lot owners shall have access through an easement to the sewage disposal area, one is not shown on the Plan that can be utilized by Lots 3 (house #109) and 4 (house #111). Since this area and the system need to be maintained by all homeowners, the Plan should be changed to provide shared access to the area from the common driveway. A possible shared access location is at or near the end of the Lot 1 (house #115) driveway.

A 20' wide easement has been added to the Record plan (sheet 3) to access the shared sewage disposal area. However, landscaping is proposed right down the middle of the access easement, and to one side of the landscaping is the driveway for house #115 and to the other side of the landscaping is the front lawn of house #113. The site should be designed so the access easement is clear in the field; has enough width and a clear path to provide easy access to the shared area; and so people accessing the shared disposal area are not accused of trespassing on private property.

The applicant's engineer stated in the 9/29/09 letter that an easement has been added to the plan to allow maintenance of the common pump chamber in front of houses #109 and #111. Staff cannot locate this easement on the plan. The easement should be clearly indicated on the plan.

- d. Plan Sheet 3 (Recordable Plan) should reference all covenants and restrictions applying or relating to the land, and their purpose (Acton Comprehensive Permits Rules and Regulations (Rules) Section 3.14.3.11).

This issue still needs to be addressed.

- e. Plan Sheet 5 (Site Development Plan) should be revised to show (1) all zoning classifications (Rules Section 3.14.5.2), (2) the proposed dimensions for setbacks (Rules Section 3.14.5.4), and (3) a street address sign (for all lots) located so it is clearly visible from Central Street for emergency and delivery vehicles and guests.

This issue still needs to be addressed.

- f. The old property description and the plan it references are not consistent. They should be brought up to date/clarified.

This issue still needs to be addressed. The applicant's engineer (9/29/09 letter) stated that this item will be addressed once they complete the property land survey.

- g. In the Comprehensive Permit Development Schedule (Section 6 of the Application), it states that the projected completion date for the project is "4/1/09". This date is obviously incorrect and should be updated.

This issue still needs to be addressed.

- h. Taxes are delinquent on the property. The applicant should resolve this issue with the Acton Finance Department.

Planning Department staff cannot determine if this issue has been resolved.

- i. In summary, this is a project that seems to fit without much needed justification into the existing neighborhood due to its small scale, moderate density, and single-family style. If the issues identified by the various Acton Town Departments and boards/committees, Acton

Water District, and other pertinent review agencies are resolved, this sort of 40B project is one good model that the Town might embrace for certification maintenance purposes should it ever succeed in reaching or exceeding the 10% threshold.

In my opinion, the most significant issues that remain related to this project are:

- ***The site still has not been surveyed; therefore, compliance with Town Bylaws and regulations cannot be determined and the applicant cannot address all staff comments (see comment f. above);***
- ***There are several plan modification items listed above that still have not been addressed. It is unclear why the plans have not been changed to address most of these issues. The plans should be amended according to staff comments prior to the close of the public hearing;***
- ***Delinquent taxes, if any, should be paid prior to the Decision being recorded at the Middlesex South Registry of Deeds.***
- ***Outstanding public health, safety, and welfare issues from other review departments/agencies, if any, still need to be addressed.***

The public hearing should be continued until these issues are resolved.